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EXAMINER

HEIBER, SHANTELL LAKETA

ART UNIT

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2617

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Response to Arguments***

1. Applicant's arguments filed on February 27, 2009 have been fully considered but they are not persuasive.
2. The applicant argues that ***applicant submits that neither alone or in combination do Noel and Forssell teach the limitation of "the network forwarding the TCRM to a second user of said plurality of user devices" and "the TCRM including a qualifier flag at least when the TCRM is forwarded to the second user device."*** The examiner respectfully disagrees.
3. According to **paragraph [0022]** of Noel, the participant wanting to speak sends a request to speak by making the proper selection **(transmitting a transmit channel request message (TCRM) to a network, the TCRM indicating a request from the first user device (participant) to transmit on the transmit channel (request to speak))**. This is typically accomplished using the push to talk button on mobile device 110. Further, **paragraph [0023]** discloses the participants in a call are selected by a call originator. After the participants for the call are selected, their identities are then transmitted to the PTT server 140 for storage until needed. Preferably, concurrent with the selection of the participants in the call, the call originator assigns each participant a priority level. A priority level is a designation which indicates a participant's relative importance to a call. Each participant's priority level is then transmitted to the PTT server 140 for storage until needed. **Noel states the identities representing each participant and their corresponding priority levels are "stored until needed", with emphasis so as to make clear that this information will be needed at some time**

Art Unit: 2617

**later. Paragraph [0025]** discloses a call participant typically uses an interrupt button to request the ability to speak **(transmitting a TCRM)** where the call participant has an urgent matter to discuss. **Above it was stated that the participant “requesting to speak” typically will use the “push to talk button” and because Noel is concerned with priority queuing of callers requesting an opportunity to speak during a push-to-talk call, it is therefore likely that this can be the same for the “interrupt button”, later mentioned in a similar embodiment where once again the participant is “requesting the ability to speak”.** Once the interrupt button is pressed, the PTT server 140 sends a message **(TCRM)** to the current speaker that one of the call participants wants to interrupt the call on an urgent basis **(the network forwarding the TCRM to a second user device (current speaker))**. After the message is received by the mobile device 110 of the current speaker **(the second user device (current speaker) receives the TCRM)**, the current speaker has the option of allowing the call participant initiating the request to speak or placing the call participant into the queue. The current speaker exercises this option by manipulating a predetermined interface on mobile device 110. If the current speaker elects to allow the call participant initiating the interrupt request to speak, the call participant is granted the ability to speak by the PTT server 140 and a message is sent by the PTT server 140 to all or a select set of the mobile devices 110 participating in the call indicating a change in speaker is set to occur. If the call participant is not granted the ability to speak, that is transmit her speech to the others, then the caller is placed in the queue to await her turn based on the assigned priority level **(the TCRM including a qualifier flag (participant’s identity**

**qualifying them to participate in the call) further used by the second user device (current speaker) for performing extended functionality (allowing the participant to speak) in response to a value (priority level representing the participant's relative importance) of the qualifier flag (participant's identity)). As mentioned above, the participant's identity and priority level are stored until needed, therefore when Noel later discloses "the caller is placed in the queue to await her turn based on the assigned priority level" it is clear that the TCRM includes an identification of the requesting participant in order for the requesting participant to be "placed in the queue to await her turn based on the assigned priority level" or else how would "her", the requesting participant's priority level, be found in storage for matching allowing "her to await her turn based on the priority level".**

4. Forssell discloses the *concept or idea* of including a "qualifier flag" in a "transmit channel request message" sent from a user device where the value of the "qualifier flag" is used for performing extended functionality. Forssell further discloses a mobile station indicating to the network that it requires radio resources where the mobile station sends a packet channel request message (**Col. 9, lines 21-31**). Much like Noel, where the participant indicates to the network that they are requesting the ability to speak where the participant sends a message by using a push to talk button or interrupt button sending a request message (**see above**). Therefore, the examiner believes that she has provided sufficient evidence that the two references are in "a similar field of endeavor". According to **Col. 9, lines 11-44** of Forssell, the network needs information in order to assign sufficient radio resources for the mobile station to provide the required

Art Unit: 2617

service level. The mobile station sends a priority field (**qualifier flag**) or other field is included in the radio resource request message. **The priority field or qualifier flag is information needed and used for assigning radio resources to the mobile station.**

Again, Forssell discloses the *concept or idea* of including a "qualifier flag" (**priority field**) in a "transmit channel request message" (**radio resource request message**) sent from a user device where the value of the "qualifier flag" is used for performing extended functionality (**assigning radio resources to the mobile station**). Therefore, the examiner has provided sufficient evidence for a suitable reason for combining the references, making the combination of references proper.

5. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to a person of ordinary skill in the art to transfer information in a packet radio service (for example, such as speech) allowing sufficient radio resources for the mobile station (Forssell) further allowing for an organized and efficient call (Noel).

6. In conclusion, not only does Noel taken alone disclose the limitation of "the network forwarding the TCRM to a second user of said plurality of user devices" and "the TCRM including a qualifier flag at least when the TCRM is forwarded to the second

Art Unit: 2617

user device” but likewise the combination of Noel and Forssell for further reiterating the point disclose the limitation.